

## REMARKS

The inventorship of the patent has been corrected and an amended declaration by both inventors is included herewith. The correction in inventorship which is noted in the Original application, but not under the title of the inventor and not in the filed declaration deals with the rejection number 9 as to claim 12 and also deals with the claim for domesticity priority as item 1 page 2 of the detailed action.

As noted by the examiner in item 9 Moore's contribution to the invention is set out and is represented in claim 12. An amended declaration is attached hereto.

The invention is generally to allow a set amount of play regardless of the amount won or lost and regardless of the consecutive nature of wins, but to provide a payout if statistical standards are satisfied. Therefore the claims are rewritten:

1. to have card games depend from elected species;
2. to define the criteria to differentiate play based on allowing a set amount of play regardless of consecutive wins (This is clearly shown by on line 10 of claim 1 as amended);
3. to clarify the language to avoid inconsistent languages in separate claims.

A gross amount won on a single hand or a total number of wins or a variety of hands may qualify a payout notwithstanding the failure to get a single consecutive win

Claim 11 is one example of a claim which is vastly different than any of the prior art in that it is net credits won after deducting losses verses a number of consecutive wins.

Claim 12 also shows a difference because a key to the patent is providing for a time of play or a number of plays verses consecutive wins with the payout based on a total number of wins over a period of time.

The difference in this is that instead of just counting a number of plays, a player can play to

see if they can win a certain number of total times, not out of a certain number of wins, but just a certain number of times so that they can play for a set amount of money and still have a chance of winning a wager if their win loss ratio is sufficiently high.

Claim 18 also sets out additional differences between the prior art and the present game which allows the player to play more than one game so that the player may move from game to game either within the casino or electronically as opposed to having a single game where the player wins. This allows a player to move throughout a casino and play a number of games without restarting the wager.

Because consecutive play is only a sub-category, the steps of determining at least one payout based on the statistical probability of winning less than the total number of hands is vastly different from a payout based on consecutive wins.

Hence, the play can be for a period of time and for a total number of hands during a given period of time as opposed to a total number of consecutive number.

Because any single loss terminates a consecutive number of wins, the prior art based on a consecutive number of wins is not relevant and this is because of the different reason of the prior art, one being winnings based on the consecutive wins and the present patent being based on the number of wins within a given time period or a certain number of plays whether consecutive or not.

## CONCLUSION

For all of the reasons advanced above, Applicant respectfully submits that the application is in condition for allowance and that action is earnestly solicited.

No additional fee is believed necessary.


The commissioner is hereby authorized to charge any additional fees which may be required



for this amendment, or credit any overpayment to Deposit Account 06-2129 in the name of Gregory M. Friedlander.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit account 06-2129.

Respectfully submitted,



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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United State Postal Service as Express Mail No.: EV 27855915 US in an envelope addressed to: Commissioner of Patents and Trademarks, Mail Stop Non-Fee Amendment, Alexandra, VA 22313 on the 3<sup>rd</sup> day of August, 2005.



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GREGORY M. FRIEDLANDER

**IN THE DRAWINGS**

New drawings will be submitted upon receiving an allowable claim if appropriate.